



Security Council

Seventy-fourth year

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 Wednesday, 19 June 2019, 10 a.m.
 New York

Provisional

President: Mr. Alotaibi (Kuwait)

Members:

Belgium	Mr. Pecsteen de Buytswerve
China	Mr. Wu Haitao
Côte d'Ivoire	Mr. Adom
Dominican Republic	Mr. Singer Weisinger
Equatorial Guinea	Mr. Esono Mbengono
France	Mrs. Gasri
Germany	Mr. Schulz
Indonesia	Mr. Syihab
Peru	Mr. Horna
Poland	Mr. Lewicki
Russian Federation	Mr. Kuzmin
South Africa	Mr. Molefe
United Kingdom of Great Britain and Northern Ireland	Mr. Allen
United States of America	Mr. Simonoff

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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The meeting was called to order at 10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

The President (*spoke in Arabic*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Ms. Bensouda.

Ms. Bensouda: Allow me to begin by offering my congratulations to Kuwait for holding the presidency of the Security Council for the month of June and presiding over this briefing on the situation in Darfur, pursuant to resolution 1593 (2005).

As we are all aware, following months of anti-Government protests and the removal from power of Mr. Omar Hassan Ahmad Al-Bashir on 11 April, the Republic of the Sudan is in an uncertain period of political transition. While I do not underestimate the complexity and fluidity of the events unfolding in the Sudan today, I have a clear message to convey: now is the time to act. Now is the time for the people of the Sudan to choose law over impunity and ensure that the International Criminal Court (ICC) suspects in the Darfur situation finally face justice in a court of law. The Council is now being presented with a unique opportunity to decisively and effectively address the impunity that has plagued Darfur. It must seize this moment.

As Prosecutor of the International Criminal Court, I am deeply concerned by the reports of recent violence perpetrated against civilians, including alleged sexual and gender-based crimes. Related violence has also spread to other regions of the country, including Darfur. I join the members of the Council in calling for the immediate cessation of violence against civilians, their robust protection, and full accountability for the

alleged crimes and related suffering the victims have endured. I also join the Council in regretting the lives lost during the recent violence.

It is imperative that allegations of violence against civilians, including sexual and gender-based violence, be promptly and effectively investigated by the Sudanese authorities and that those responsible be brought to justice. On my part, within the scope of my mandate and jurisdiction under the Rome Statute, I am committed to continuing to do all that I can to secure accountability in the Sudan. I also call for the full cooperation of all States parties to the Rome Statute. States parties must consistently and meaningfully fulfil their statutory obligation to cooperate with the Court in the investigation and prosecution of the Darfur cases.

As for the Sudan itself, it is now at a crossroads, with the opportunity to depart from its previous policy of complete non-cooperation with my Office and embark upon a new chapter by signalling a new commitment to accountability for the victims in the Darfur situation. From our side, we are ready to engage at the appropriate time if there is genuine will to bring perpetrators to account.

All five ICC arrest warrants in the Darfur situation remain in force. The circumstances, however, have changed dramatically. The former status quo is over. Mr. Al-Bashir has been deposed, arrested, detained and charged with domestic offences. Two other suspects in the Darfur situation, Mr. Abdel Raheem Hussein and Mr. Ahmad Harun, are also reportedly being detained in Khartoum. The Sudan remains under a legal obligation to transfer those suspects to the ICC to stand trial, unless it can demonstrate to the judges of the Court that it is willing and genuinely able to prosecute them for the same cases. Consistent with the bedrock principle of complementarity enshrined in the Rome Statute, I am ready to engage in dialogue with the authorities in the Sudan to ensure that the Darfur suspects face independent and impartial justice, either in a courtroom in The Hague or in the Sudan. Continued impunity is not an option. The victims of the Darfur situation deserve to finally have their day in court.

There is an early history of cooperation between my Office and the Sudan that we can and must resume. From 2005 to 2007, with the cooperation of the Government of the Sudan, my Office undertook several missions to that country. Since that time, there has been no cooperation whatsoever from the Sudan. Taking into

account the complexity of the situation on the ground in the Sudan, I am nonetheless ready to pursue cooperation between my Office and the Sudanese authorities in order to fulfil my mandate. In that endeavour, I must be able to count on the full support of the Council. I invite all stakeholders in the Sudan, including the relevant Sudanese authorities and civil-society organizations, to engage with my Office.

In its inaugural address on 11 April, the Transitional Military Council made a commitment to honour all treaties, charters and conventions — local, regional and international. That pledge must include a commitment to the Charter of the United Nations, pursuant to which the Sudan is bound by the decisions of the Council, including resolution 1593 (2005).

The judgment of the Court's Appeals Chamber on 6 May in relation to Mr. Al-Bashir's visit to Jordan in March 2017 unequivocally confirmed the legal obligation of State parties to arrest Heads of State subject to ICC jurisdiction. While Mr. Al-Bashir may no longer attempt to avail himself of immunity as Head of State, the Appeals Chamber confirmed that the Sudan's obligation to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor, as mandated by paragraph 2 of Council resolution 1593 (2005), is legally binding. The law is clear, as is the opportunity to subject those who for so long evaded justice, so that they finally answer to the people of the Sudan and the world for the serious crimes for which they stand accused before the International Criminal Court.

This legal obligation to cooperate fully includes an obligation to surrender those Darfur suspects already in custody in the Sudan and to arrest and surrender those still at large — Mr. Ali Kushayb and Mr. Abdallah Banda. It must also include the obligation for the Sudan to provide my Office safe and unfettered access to the Sudan and Darfur in particular. My expectation is that the Sudan, with the support of the Council, will engage in dialogue with my Office to discuss the feasibility of a mission by my Office to the Sudan in the very near future to resolve those issues.

Together with members of the Council, past and present, I have repeatedly stressed that ending impunity for alleged Rome Statute crimes in Darfur is essential to the maintenance of peace and security in Darfur and beyond. As recent events in Darfur sadly demonstrate, those are not empty slogans. In the

absence of accountability, security forces, including aligned militias, allegedly continue to commit crimes against civilians, undeterred.

Most recently, in Khartoum, the Sudan's security forces, including the Rapid Support Forces (RSF), allegedly attacked civilian protestors on 3 June. As recently noted by the spokesperson for the United Nations High Commissioner for Human Rights, the RSF includes members of the former Janjaweed militias linked to systematic human rights abuses in the Darfur region from 2003 to 2008. Those abuses include the crimes alleged in a number of the arrest warrants of the suspects in the Darfur situation. It is simply intolerable that reported attacks on civilians in Darfur and elsewhere in the Sudan continue to be perpetrated.

I join the Council in strongly condemning the recent violence in the Sudan. The Sudanese authorities have announced 61 fatalities following the 3 June attack, while civil society organizations in the Sudan refer to the deaths of more than 100 protestors. Those attacks also resulted in sexual and gender-based violence and arbitrary arrests. That was the latest of a series of reported attacks by security forces on demonstrators in the Sudan, including in Darfur, since mid-December 2018. The Office of the United Nations High Commissioner for Human Rights reported that, as of 9 April, those attacks had resulted in the deaths of 70 people. It is of particular concern that, according to the Executive Director of the United Nations Children's Fund, at least 19 children have reportedly been killed in the crackdown on protestors.

The 3 June attack prompted widespread calls, including by the Secretary-General and the Office of the United Nations High Commissioner for Human Rights, for an investigation into the use of excessive force by security forces against civilian protestors. I am aware that the Transitional Military Council has stated that it is investigating those events, and I urge it to ensure that the investigation is promptly conducted by independent experts and that it include all reported human rights violations against peaceful protestors throughout the Sudan, including in Darfur.

Attacks against civilian populations in Darfur have continued during the reporting period and appear to be increasing in severity. For example, in January a militia attack in Kura, which I refer to as Katur in my report, resulted in the killing of two civilians and the burning of almost 50 houses. More recently, an attack on Deleij

market on 9 June reportedly resulted in the killing of a number of civilians. Once again, such attacks are unacceptable and must stop.

The approximately 1.64 million internally displaced persons in Darfur remain especially vulnerable, and sexual and gender-based violence continues to restrict the freedom of movement of women and girls in camps for internally displaced persons and areas of return. Attacks against peacekeeping personnel also continue in Darfur.

I share the deep concern expressed by the African Union (AU) Peace and Security Council on 13 June that security and political developments in the Sudan have contributed to the recent deterioration of the security situation in Darfur. I trust that the Council will support the AU Peace and Security Council's call on the international community to continue to support the population in need in Darfur.

I also note with concern reports that the RSF have allegedly seized facilities and assets previously held by the African Union-United Nations Hybrid Operation in Darfur (UNAMID). In that context, I support the AU Peace and Security Council's resolve to extend UNAMID's mandate for a period of 12 months and its request to the Security Council to do the same, as well as its rejection of the Transitional Military Council's call for UNAMID to hand over assets to the RSF, and its request that those assets be handed over to civilian authorities. With respect to recent alleged crimes in Darfur, let me be clear that I will continue to monitor events closely, and I will not hesitate to investigate and, where appropriate, prosecute those most responsible for alleged crimes that fall under the jurisdiction of the International Criminal Court.

Before concluding my remarks, I wish to acknowledge the support that my Office has received from many States, including members of the Council, which have publicly called for the Sudan's cooperation with the ICC following recent developments in the Sudan. Similarly, I want to thank all those individuals and organizations that support my Office, including those inside and outside the Sudan, calling for the arrest and surrender of the Darfur suspects to the ICC. I also express my sincere appreciation to those who continue to provide my Office with valuable information in relation to events in the Sudan. Their continued dedication to ensuring justice for victims in the Darfur situation is truly inspirational.

My Darfur team will keep working, and I will continue to do everything in my power to obtain justice for the victims in the Darfur situation, but my Office cannot secure the arrest and surrender of the suspects without support. To secure renewed cooperation between my Office and the Sudan, the Council must provide strong and effective support. In a press statement issued on the 11 June (SC/13836) — more than 14 years after referring the Darfur situation to my Office — the Council once again emphasized the importance of accountability and justice in the Sudan.

With the Council's support, and the cooperation of the authorities in the Sudan, there is an opportunity now to make real progress in the pursuit of accountability and justice for the victims in the Darfur situation. The current reported violence against civilians in Darfur must stop and all the ICC Darfur suspects must stand trial. We must not squander this opportunity.

Now is the time to act. The victims of the Darfur situation have waited far too long to see justice done. We must not fail them. I thank members of the Council for their attention, and I trust that the Council will take decisive action in support of ensuring accountability in this situation.

The President (*spoke in Arabic*): I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Pecsteen de Buytswerve (Belgium) (*spoke in French*): At the outset, I thank Prosecutor Fatou Bensouda for her report presented to the Council and the exceptionally informative briefing that she just delivered.

In 2005, following the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (see S/2005/60), the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted the historic resolution 1593 (2005) by referring a situation for the first time to the International Criminal Court (ICC). In doing so, the Council sent a strong message not only to the victims of those horrible crimes, but also to their perpetrators, to whom it must be clear that they will not escape justice, wherever they may be.

Last December, despite the significant progress made in the investigation, the situation, as presented by the Prosecutor to the Council, remained unchanged

from that with which we had been familiar for several years. Due to the lack of cooperation of States, including the Sudan, none of the five suspects in the situation in Darfur had been arrested or surrendered to the Court.

Following developments in the Sudan in recent months, the transitional Government has an opportunity to finally bring justice to the victims. The political transition process, which began following the arrest of former President Al-Bashir on 11 April, makes it possible to envisage a new chapter in the history of relations between the International Criminal Court and the Sudan.

The legal framework underpinning the cooperation that the Court must receive from the Sudanese authorities is very clear. As the Prosecutor recalled, in its judgment of 6 May the ICC Appeals Chamber unequivocally confirmed that the Sudan is required, in accordance with resolution 1593 (2005), to cooperate fully with the Court and the Prosecutor. It is therefore the responsibility of the Sudanese authorities, now and in the future, to carry out the arrest warrants issued by the ICC against persons wanted in connection with the situation in Darfur.

However, that situation is unprecedented. For the first time since the issuance of the various arrest warrants, several of the suspects are now in detention. In addition to Mr. Al-Bashir, it appears that two of the four other suspects wanted by the Court, Mr. Harun and Mr. Hussein, were also arrested on 11 April. As the Office of the Prosecutor rightly points out in her report, the principle of complementarity — the cornerstone of the Rome Statute, which established the ICC — entails that suspects could perfectly well be prosecuted in the Sudan, provided that the principles set out in the Statute are upheld. In such circumstances, Belgium strongly encourages the Sudanese authorities to set an example by respecting their international obligations and responding positively to the Prosecutor's invitation to engage in a dialogue to ensure that persons subject to an arrest warrant are brought to justice, either before the ICC or in the Sudan.

For Belgium, the situation in Darfur cannot be isolated from the situation in the rest of the Sudan. The ongoing violations of human rights and international humanitarian law, in particular sexual and gender-based violence, in the region are unacceptable. In the current context, the Security Council's support for the Court, which remains competent to prosecute all the

most serious crimes committed in Darfur since 1 July 2002, is therefore paramount.

The fight against impunity is rightly at the heart of the aspirations of the Sudanese people. Indeed, it is clear that justice will be an indispensable part of any lasting solution to achieve peace in Darfur, as in the rest of the Sudan. Even today, victims of crimes committed in Darfur are attending this briefing with the Prosecutor from the public area of the Chamber. Let us not disappoint them. It is our duty to do our all to ensure that when the Prosecutor's next report is presented in six months, significant progress will have been made and justice can at last be delivered to them.

Mr. Allen (United Kingdom): Let me thank the Prosecutor for her twenty-ninth report on the situation in Darfur pursuant to resolution 1593 (2005) and her briefing to the Security Council today. I would particularly like to commend the Prosecutor and her staff on their continued dedication and hard work on the investigations in Darfur.

Let me take this opportunity at the outset to reaffirm the United Kingdom's strong support for the work of the International Criminal Court (ICC), both as a State party to the Rome Statute and as a member of the Council. We take note of the judgment of the ICC Appeals Chamber on 6 May, dismissing Jordan's appeal against the Pre-Trial Chambers' findings of non-cooperation for its failure to arrest former President Al-Bashir, and the United Kingdom renews its call on all States parties to cooperate with the ICC in that case, as, of course, must the Sudan.

I will focus my intervention on two issues: the situation in Darfur and the wider situation in the Sudan and its relevance to justice and accountability for Darfur.

The situation in Darfur was the first case to ever be referred to the ICC by the Council. In the 14 years since our referral, the situation in Darfur has shown signs of improvement. In particular, the United Kingdom welcomes the reduction in large-scale conflict between armed movements and the Sudanese security forces. Despite that improvement, we should not forget the reasons for our referral — a conflict that, according to the United Nations, left 300,000 dead and 2.5 million people displaced. We must not overlook the concerns that remain in Darfur today.

As we have heard from the Prosecutor, violence targeting the displacement of civilians continues in Darfur, particularly in the Jebel Marra area. Moreover, as we heard from Assistant Secretary-General Andrew Gilmour last Friday (see S/PV.8549), the human rights situation in Darfur has been alarming in recent months, with increased reports of killings, abductions and the burning of villages.

Today, on the International Day for the Elimination of Sexual Violence in Conflict, let us not forget that sexual violence continues to be perpetrated at alarming rates in Darfur, often by State security forces and — I am afraid — often with complete impunity.

In addition to those worrying trends, there have also been negative impacts on the security situation in recent months. The African Union-United Nations Hybrid Operation in Darfur (UNAMID) has verified the deaths of at least 17 people during an incident of intercommunal in Central Darfur, reportedly involving militias and the Rapid Support Forces. Humanitarian supplies at UNAMID's headquarters in West Darfur have been looted. The United Kingdom urges all actors to respect international humanitarian law and allow unfettered humanitarian access. Sustainably addressing the situation in Darfur requires commitment and investment. For our part, the United Kingdom is committed to ensuring long-term peace in Darfur, including through development and humanitarian assistance.

As the Prosecutor highlighted, her briefing comes at a time of political uncertainty in the Sudan. The United Kingdom condemns the brutal attacks and violence by the Sudanese security forces against peaceful protesters in the streets of Khartoum. Those attacks are not the actions of responsible and credible authorities and they do not represent the will the Sudanese people.

In that regard, let me reiterate what I have said in my recent statements on the Sudan, which is indeed at a crossroads. The Transitional Military Council has a choice. It has a choice to build a new future for the Sudan, backed fully by long-term and extensive support from the international community, including for strengthening institutions, resolving conflict and dealing with a legacy of long-term economic mismanagement. The Transitional Military Council should make the right choice, which would also bring an end to the brutal cycle of violence, to which the people of Darfur have been subject. The United Kingdom stands

with the people of the Sudan in calling for the swift and inclusive transfer of power to civilian leadership.

We know from conflicts and post-conflict situations across the world that accountability is a key element in ensuring sustainable peace and giving people confidence in the institutions that are then developed. We therefore remain hopeful that the Sudan's political transition will result in a civilian administration that is committed to ensuring justice for the crimes committed against the people of Darfur that were referred to the Court by the Council. We stand ready to support a civilian administration as it seeks to build the rule of law across the Sudan and ensure that the horrors experienced by the people of the Sudan are never experienced again.

Let me conclude by again thanking the Prosecutor and her Office for their dedication to this case and their pursuit of justice for the victims in Darfur.

Mrs. Gasri (France) (*spoke in French*): I, too, want to thank the Prosecutor, Ms. Fatou Bensouda, for presenting her twenty-ninth report on developments in the Darfur investigation. On behalf of my country, I also want to commend the vital work done by the Prosecutor and her teams under resolution 1593 (2005) for almost 14 years now. It is necessary not only to ensure justice for the victims of the serious crimes committed in Darfur, but also to enable the emergence of the rule of law in the Sudan and the stabilization of the country.

In that respect, France roundly condemns the violence that has taken place in the Sudan in recent weeks. Peaceful protests have been repressed with immense brutality. Such a disproportionate use of force is unacceptable. We urge all the actors involved to show restraint and to refrain from the use of violence. We recall that the Transitional Military Council is responsible for the security of all the Sudanese people. France asks that light be shed on the abuses that have been committed, including acts of sexual violence, which were described by Pramila Patten in her very worrisome communiqué last week. The perpetrators must answer for their actions. In this respect, we deplore the postponement sine die by the relevant Sudanese committee of the publication of the results of the investigation into the violence that took place on 3 June in Khartoum. We call for that outcome to be made known as quickly as possible.

What is at stake now is the resumption of a political dialogue between the generals of the Transitional

Military Council and the opposition, with a view to achieving a negotiated, consensus-based, civilian-led transition. France commends the determined stance of the African Union in this respect. We hope that the United Nations will fully support the mediation efforts undertaken by the African Union and supported by Prime Minister Abiy Ahmed of Ethiopia. It is vital that the African Union-led mediation be supported at every level and by all parties. While all efforts are welcome, it is also important that they be coordinated and harmonized with those of the African Union.

We are also extremely worried by the reports of violence in Darfur in recent weeks, notably in Jebel Marra, as mentioned previously, which make clear once again the volatility of the situation in the region. We know that Darfur is an unstable region and that the root causes of the conflict there, including access to land and the future of 2 million displaced persons, have not truly been resolved. We must do everything we can to prevent the region from spiralling once again into violence and conflict. The presence and protection provided by the African Union-United Nations Hybrid Operation in Darfur are essential in this respect.

The fight against impunity is also key, and the Sudan must fulfil its responsibilities in this area. It is now more vital than ever that the Sudan allow the International Criminal Court (ICC) to conclude its investigation. The Sudan must cooperate with the Court in accordance with resolution 1593 (2005), and among other things that involves the execution of the arrest warrants issued by the ICC and the transfer of suspects to the Court.

In the context of the obligation to cooperate, France would like to recall that the immunity enjoyed by representatives of States under customary international law, which is crucial to the good conduct of international relations and to which there can be no exception, can be removed only by an express renunciation of the States concerned, just like the one to which the States parties to the Rome Statute consented, which applies also to non-States parties whose situation has been referred to the Court by the Security Council.

By transferring to the Court suspects who are subject to an ICC arrest warrant and who are already in detention, the Sudanese authorities would be not only fulfilling their international obligations but also sending a strong message to the international community that they are determined to put an end to

impunity. We also call on the Sudanese authorities to allow the Prosecutor's teams access to Darfur to gather the necessary information, as she called for earlier. Such developments would constitute a concrete demonstration of the will of the Sudan to take a decisive step towards justice, peace and an acknowledgement of the crimes committed in Darfur. It would also be a very important stage in the country's political transition and stabilization.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): I will be brief this morning. We have still not seen any progress in the investigation into the situation in Darfur, and the status of the accused has remained the same. Nor will we comment on the internal situation in the Sudan. The Security Council has other, appropriate formats for those purposes, which, as we know, function perfectly effectively without the participation of the Prosecutor of the International Criminal Court (ICC).

What are we seeing? During the reporting period the Court continued its academic and practical experiments on the States parties to its Statute. On 6 May, with regard to the appeal brought by Jordan, the Court came to a conclusion about the existence of customary standards of international law based on which a Head of State has no immunity vis-à-vis a competent international court. That is strange, since all the previous experience of the hunt for Omer Al-Bashir testified to the exact opposite, which was that all the States that he had to visit in his capacity as President of the Sudan recognized that immunity and refused to arrest him.

Historical perspective is important in establishing international custom. The representative of the United Kingdom mentioned an important date, and as it happens I too would like to point out that this month, a few days from now, we will mark the 100th anniversary of the signing of the Treaty of Versailles. Under article 227 of the Treaty, the Allied Powers arraigned the German Kaiser, Wilhelm II of Hohenzollern, for "a supreme offence against international morality and the sanctity of treaties" and provided for the creation of a special international tribunal. That never came about, however. The monarchy of the Netherlands, a State that today is extremely active in the area of international justice, categorically refused to surrender the former German Emperor.

The position of the Russian Federation on the question of the immunity of senior State officials is

well known. The ICC's position that the subject of immunity does not even arise in this case is pernicious and dangerous. Existing international law provides for State officials' immunity vis-à-vis foreign States' criminal jurisdiction, without regard to the subject of the jurisdiction of international criminal tribunals. In that situation, in limiting the freedom of an official of a foreign State, the State exercising that jurisdiction unavoidably intrudes on the dimension of relations between States, and in that context must act in strict compliance with the norms of international law on immunity from foreign criminal jurisdiction. We therefore call on the States parties to the ICC to act sensibly and to refrain from any steps that could create friction between States.

Mr. Adom (Côte d'Ivoire) (*spoke in French*): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her useful and informative briefing.

In adopting resolution 1593 (2005), which referred the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court, the Security Council expressed its resolve to translate its commitment to the principle of accountability into concrete action, with a view to having crimes of genocide and serious violations of human rights punished in international courts of law. Since then, it must be recognized that, despite the difference in views and the contention that this issue raises among Member States, the Council has consistently supported initiatives aimed at bringing the persons or organizations convicted of massive human rights violations and crimes against humanity before the competent international courts.

In fact, the mass crimes perpetrated in certain hotbeds of conflict around the world, which challenge our collective conscience, justify more than ever the need for the Council to remain seized of these serious events and to promote the appropriate legal responses. The security and humanitarian situation in Darfur, as well as the recurring violence endured by civilians at the hands of armed groups, is in perfect alignment with this Security Council concern. My country therefore subscribes to the urgent appeals of the international community to identify and bring to justice before the competent international tribunals, in particular the International Criminal Court, the persons or armed groups responsible for such serious acts.

It is undeniable that the sociopolitical crisis that the Sudan has experienced in recent weeks, with its eruptions of violence, is likely to affect the region of Darfur, which is already facing many security and humanitarian challenges. Côte d'Ivoire, a signatory to the Rome Statute, therefore strongly hopes that the mediation efforts under way will inevitably converge and bear fruit in the near future, protecting the Sudan from instability that could undermine the foundations of peace in that country and the region.

Côte d'Ivoire deplores recent disgraceful events, which have led to the loss of much human life and left hundreds of civilians wounded, and sincerely hopes that appropriate measures will be taken by the Sudanese authorities to investigate the events of 3 June, in accordance with the recommendations of the African Union Peace and Security Council, issued at the end of its 854th meeting. We call for the full protection of civilians and respect for human rights and fundamental freedoms in Darfur and throughout the Sudan, as recommended by the Peace and Security Council.

In paragraph 4 of resolution 1593 (2005), the Security Council encourages the International Criminal Court to support, in accordance with the Rome Statute, domestic efforts to promote the rule of law, protect human rights and combat impunity. In paragraph 5, the Council also emphasizes the need to promote reconciliation and encourages in this respect the creation of inclusive institutions, such as truth and/or reconciliation commissions, in order to complement judicial processes. Côte d'Ivoire is of the opinion that this approach has the virtue of being able to contribute to the restoration of lasting peace, with the support of the African Union and international institutions, as stipulated in the aforementioned resolution.

In the light of the foregoing, my country believes that cooperation between States and the ICC will be constructive only if, and only if, the fog of unnecessary suspicion and fantasy surrounding the International Criminal Court is dispersed. That, in any case, is the wish of Côte d'Ivoire concerning how the ICC approaches the Sudanese question, which should be based on the imperative need to apply the principle of accountability and, above all, on the will of the two parties to work together to promote the strengthening of national judicial institutions.

After several years of conflict in Darfur and amid persisting sociopolitical tensions in the Sudan,

my country wants to believe in possible cooperation between Sudan and the ICC. On that optimistic note, I conclude by reiterating the full support of Côte d'Ivoire for Ms. Fatou Bensouda, Prosecutor Office of the International Criminal Court, and for her Office for the quality of the work done.

Mr. Molefe (South Africa): At the outset allow me to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her comprehensive briefing on the situation in the Sudan.

South Africa continues to support resolution 1593 (2005), which referred the situation in Darfur since 1 July 2002 to the ICC, mandating it to investigate war crimes and crimes against humanity. South Africa is deeply concerned about the continuing violence and loss of life in Darfur, as indicated by the Prosecutor in her report. South Africa deplores the fact that violence has been directed at civilians in particular.

While we note the significant progress achieved in the peacekeeping and peacebuilding efforts in Darfur, South Africa is concerned by the persistent security challenges and human rights violations, as highlighted in the special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur (S/2019/445). What is of particular concern is the fact that women and children remain the most vulnerable to and affected by sexual violence, which continues to be used as a weapon of war in Darfur.

South Africa calls on the military and security forces to ensure the full protection of civilians and respect for human rights and freedoms in Darfur. In that regard, in line with the 13 June communiqué of the Peace and Security Council of the African Union and the 3 June press statement issued by the African countries represented on the Council, we strongly condemn and lament the tragic and unjustified loss of life and remind the transitional authorities in the Sudan of their obligation to protect civilians and respect their fundamental rights.

We urge the Transitional Military Council, the Declaration of Freedom and Change Forces and all other parties to return to the internal dialogue with the aim of responding to the legitimate aspirations of the Sudanese people. Furthermore, we call on the Transitional Military Council to return to the framework established by the African Union. We underline the

primacy of African-led initiatives in the search for a lasting solution to the crisis in the Sudan. It is important that the Sudanese people chart their own path of peace, devoid of interference. That is also vital for ensuring that the substantial progress in peacebuilding achieved in Darfur is not reversed.

South Africa urges all stakeholders in the Sudan to engage in constructive dialogue in order to restore peace and stability in the country. That is also vital for regional stability.

Mr. Schulz (Germany): Let me first thank Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today. I thank her and her entire team for their dedicated and tireless efforts over all these years.

Like South Africa, we are also gravely concerned by the escalation of violence and the excessive use of force against civilian protesters, as well as the detention of hundreds of civilians. In its press statement (SC/13836), the Security Council called for accountability for those events, and we echo this call. Germany urges the authorities in the Sudan to work towards a peaceful and transparent transfer of power to an inclusive and civilian-led transitional Government and free elections in order to fulfil the democratic aspirations of the Sudanese people. Otherwise, we fear that lasting stability cannot be achieved.

Germany strongly supports the International Criminal Court (ICC) with regard to the investigations concerning all serious crimes committed since 2005. We concur with the Prosecutor that accountability for crimes under the Rome Statute and full respect for the rule of law are indispensable prerequisites of sustainable peace, stability and development in the Sudan. We encourage the authorities in the Sudan to move forward by dealing with the past through ensuring accountability. We fully concur with the assessment of the Prosecutor that now is the time to act and that continued impunity is not an option. We call on the Sudanese authorities to fully cooperate with the ICC and the Office of the Prosecutor. Ending impunity for the most serious crimes is critical to preventing further grave crimes and to bringing peace and security to the country. The democratic aspirations of the Sudanese people likewise include Sudan-led transitional justice.

Initiating criminal proceedings against ex-President Al-Bashir, Mr. Harun and Mr. Hussein, who have recently been imprisoned in the Sudan, with

regard to their responsibility for the situation in Darfur would be an important step in the right direction. In line with the principle of complementarity, it is the primary responsibility of States to investigate and prosecute crimes under the Rome Statute. We encourage the competent authorities to fulfil that responsibility now and ensure accountability for all crimes, especially the most serious crimes under international law. It is necessary for all States to fully implement the Security Council's resolutions and to comply with their obligation to cooperate with the Court. That includes arresting and surrendering suspects for whom arrest warrants have been issued. States are also obligated to implement sanctions against individuals on the sanctions list of the Committee established pursuant to resolution 1591 (2005) concerning the Sudan.

On a more general note, I would like to take this opportunity to reiterate Germany's continued support for the ICC, its independence and effective functioning, and the integrity and values of the Rome Statute. The ICC is a crucial element of a strong rules-based international order. We call on all United Nations Member States, particularly those on the Security Council, to keep up their support for the Court in order to end impunity and ensure accountability. We also call on those that have not yet joined the Rome Statute to consider doing so now.

Mr. Singer Weisinger (Dominican Republic) (*spoke in Spanish*): We welcome Prosecutor Fatou Bensouda to the Council. As usual, we thank her for her work on the ground and for her interesting briefing today.

The situation in the Sudan is undoubtedly very worrisome. As the Prosecutor said, acts of violence continue and dialogue between the relevant parties to the conflict has come to a halt. The continued occurrence of incidents of gender-based sexual violence, including the rape of internally displaced women and girls, has led to restrictions on their freedom of movement in reception centres and areas of origin.

The courage and bravery of the Sudanese people have been tested in recent months, leading to far-reaching changes that will certainly change the history of the Sudanese people. The people of the Sudan long for justice, a fair trial and the prosecution of the perpetrators of crimes. That will require a safe justice system in which impunity is a thing of the past and legal responsibility makes way for a new present and a hopeful future for all victims of the terrible crimes that

took place during Al-Bashir's regime and, regrettably, continue to occur.

To that end, the Sudanese authorities must recall their international obligation to cooperate fully with the International Criminal Court, as set out in resolution 1593 (2005). We therefore call on the Sudanese authorities to cooperate with the Office of the Prosecutor, beginning by allowing their representatives access to Darfur in order to conduct effective, impartial and independent investigations. In addition, we encourage the authorities to hand over criminals being prosecuted by the Court, without prejudice to the principle of complementarity, in particular if it proves impossible for them to be granted a fair and impartial trial.

The Dominican Republic applauds the recent decision of the Appeals Chamber, which establishes that States have the obligation to arrest Heads of State wanted by the Court, despite the immunity that their office provides. Impunity is an evil that corrupts a society's progress and can be eliminated only through the prosecution of those responsible for criminal acts, regardless of their functions or position. The time has come for the people of the Sudan to move to new leadership that bolsters respect for human rights and the protection of civilians. There must be zero tolerance for crimes committed against civilians and groups of demonstrators, such as those that occurred during recent events. The perpetrators must be brought to justice.

Lastly, we call on the members of the Council to stand united in the struggle to alleviate the burdened people of the Sudan. Let us foster cooperation and encourage dialogue among the relevant actors. Let us support the work of the Court, a strategic ally in our common goal. The fight against impunity is key in the maintenance of peace and security.

Mr. Syihab (Indonesia): Let me first join others in thanking Ms. Fatou Bensouda for her briefing.

We have taken note of the twenty-ninth report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the situation in Darfur, submitted pursuant to resolution 1593 (2005).

My statement today will focus on three key issues, namely, the situation in Darfur, accountability for human rights violations and ICC proceedings.

With regard to the first issue, the security situation in Darfur remains relatively stable, with little disruption to the trends that have emerged since 2016.

Intercommunal clashes continue to decline, thanks to the extension of State authority and mediation efforts by local authorities and the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

Meanwhile, Darfuri rebel groups have already lost their foothold. One remaining armed group inside Darfur has been gradually fragmented and its operational capabilities have been significantly reduced. The special report of the Chairperson of the African Union Commission and the Secretary-General on the strategic assessment of the African Union-United Nations Hybrid Operation in Darfur (S/2019/445) attests to those facts. Of course, we are cognizant of the many persistent challenges, many of which we raised in the Council's briefing on UNAMID a few days ago (see S/PV.8549).

The Darfur peace process is stalling. Several conflict drivers are yet to be addressed. Internally displaced persons (IDPs) are confronted by security challenges, as well as a lack of access to land and economic opportunities. My delegation continues to observe very carefully developments in the Sudan and their potential impact on the security situation in Darfur.

Secondly, Indonesia stresses the need for the protection of civilians and the strict observance of international human rights and humanitarian law. It is deeply troubling that human rights violations and abuses continue to occur across Darfur, targeting those who are most vulnerable, including IDPs, women and children. We note with concern reports that such abuses tend to be underreported due to fear and restricted access. My delegation will never tolerate the use of violence against innocent civilians. We extend our deepest sympathies and solidarity to the victims for their suffering, as well as to the people of the Sudan, who continue to face the impact of the conflicts in their country. We particularly see the need to ensure that the Sudanese regain their confidence in law enforcement and judicial institutions. To that end, accountability must always be upheld. No efforts should be spared to bring the perpetrators of human rights violations and abuses to justice.

That brings me to my third point. Efforts to pursue justice must pay due regard to the wider efforts to achieve peace in Darfur. While peace cannot be complete and sustainable without justice, justice cannot prosper in the absence of peace. Actions taken

by the international community must not jeopardize the ongoing dialogue among Sudanese stakeholders. We recognize and underline the responsibility of the Security Council to ensure that the Government of the Sudan complies with the provisions of resolution 1593 (2005). At the same time, in accordance with the Rome Statute, the role of the ICC should be complementary to national criminal jurisdiction.

In that regard, it is also imperative for the international community to continue to support the Government of the Sudan through various capacity-building measures in the area of the justice system. My delegation believes that the referral of the situation in Darfur and actions taken by the Prosecutor shall neither nullify the principle of complementarity nor prevent the Sudanese national court from invoking its jurisdiction against the perpetrators of human rights violations and abuses. Indonesia therefore calls on the Sudanese Government to take up those responsibilities promptly and properly.

Mr. Horna (Peru) (*spoke in Spanish*): We thank you, Mr. President, for convening this meeting. We also thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing.

Peru regrets the recent events in the Sudan and their repercussions on the grave humanitarian and human rights situation. We condemn in the strongest terms the increasing repression and violence, which have resulted in nearly 100 deaths since 9 April. All that must cease and those responsible must be brought to justice in accordance with the principle of complementarity. The International Criminal Court today provides an opportunity by complementing the primary responsibility of the State to prevent the most serious crimes from going unpunished. In that regard, we reiterate our support for the work of the Prosecutor and her team and encourage her to continue her efforts in fulfilling her mandate and the principles of the Rome Statute.

We also urge the authorities of the Transitional Military Council to fulfil their obligation to arrest and surrender suspects of crimes against humanity, war crimes and genocide. We must ensure punishment for the crimes of which former President Omar Al-Bashir and other suspects against whom there are arrest warrants — Abdel Hussein, Ahmad Harun and Ali Kushayb — are accused. We also reaffirm the need for States, including the Council members, to cooperate

with the International Criminal Court and its Prosecutor in order to achieve justice for the crimes committed in Darfur.

However, we regret that States parties to the Rome Statute have not complied with the arrest warrants of the Court against suspects who have entered their countries. We remind them, as recently established by the Court's Appeals Chamber in the Jordan case, that they, like Sudan itself, must comply with the Court's orders and ensure their timely and effective cooperation. We also recall our support for initiatives to provide the Council with specific procedures in cases of non-compliance and lack of cooperation, with a view to holding the States concerned accountable for their inaction.

In conclusion, Peru believes that the mandates and functions of the Security Council and the International Criminal Court seek to fulfil similar objectives, expressly aimed at achieving the purposes and principles enshrined in the Charter of the United Nations. The primary responsibility of this organ for maintaining international peace and security and the jurisdiction of the Court over the most serious crimes must be understood and executed as complementary and interdependent tasks. That is what the Sudan and the victims of the atrocities in Darfur expect of us today.

Mr. Esono Mbengono (Equatorial Guinea) (*spoke in Spanish*): At the outset, my delegation thanks Ms. Fatou Bensouda for her briefing on her twenty-ninth report pursuant to resolution 1593 (2005).

In taking the floor on behalf of the Republic of Equatorial Guinea, I must say that we condemn the horrific attacks in Khartoum on 3 June. We extend our condolences to the families of the deceased and wish the wounded a speedy recovery.

We also express our concern about the violent incidents that have been taking place in the Sudan since mid-December 2018 in various cities in the country, which, according to the report of the United Nations High Commissioner for Human Rights, have led to the deaths of approximately 70 people up to 9 April.

We note the figures mentioned in the report we just heard, whereby the African Union-United Nations Hybrid Operation in Darfur states that the situation in the country is relatively calm, with fewer incidents reported against civilians as compared to the previous reporting period.

The Republic of Equatorial Guinea supports the position and efforts of the African Union in the Sudan to resume dialogue and to restore peace and normality throughout the country, particularly in the Jebel Marra area, where there are sporadic clashes between the security forces and the Sudan Liberation Army.

It is important that the dialogue initiated by the Transitional Military Council and the Sudanese parties involved on the parameters and political content of the Sudanese transition continue. We therefore urge the parties to take all political and security measures necessary for a speedy resumption of negotiations in order to reach a consensual agreement for the transition to a civilian-led consensus Government with full respect for the will and aspirations of the people of the Sudan, the region and the continent in accordance with the statement issued in that regard by the African Union Peace and Security Council and the press statement of 3 June of the African members of the Council. We call on all parties involved in the conflict to respect the human rights of all people.

In conclusion, with regard to the requirements of the International Criminal Court, the position of the Republic of Equatorial Guinea is well known and has not changed. My country is not a party to the Rome Statute because we do not recognize its jurisdiction.

Mr. Wu Haitao (China) (*spoke in Chinese*): China listened closely to the briefing by Prosecutor Bensouda.

China's position on the work of the International Criminal Court (ICC) in relation to Darfur remains unchanged. The international community should fully respect the judicial sovereignty of the Sudan, avoid interference in its internal affairs and heed the legitimate demands of the Sudanese Government and the African Union regarding the work of the ICC on Darfur in the Sudan.

Currently the situation in Darfur has significantly improved. We hope that the international community will make joint efforts to provide more assistance with a view to achieving lasting peace and security and sustainable development in Darfur. That would serve the common interests of the Sudan and the countries in the region.

China is ready to work together with the international community to play a constructive role towards peace, stability and development in Darfur.

Mr. Simonoff (United States of America): I thank the Prosecutor of the International Criminal Court (ICC) for her briefing.

Civilian-led protests in April led to the removal of President Omar Al-Bashir, whose regime was synonymous with genocide, war crimes, crimes against humanity and human rights violations and abuses. For months, protesters have gathered together, united by a vision for a peaceful, democratic Sudan. But rather than welcoming dialogue and discussion, those in power have responded violently.

The Transitional Military Council's reprehensible attacks on demonstrators in Khartoum have led to more than 100 deaths and hundreds injured. Reports of security forces beating and sexually assaulting protesters and throwing victims into the Nile must be fully and fairly investigated. The Military Council's grotesque display of violence against peaceful demonstrators in Khartoum was not an isolated incident.

The Government has also used excessive violence against internally displaced persons (IDPs) in Darfur to stop peaceful rallies. We are all too familiar with the unthinkable violence to which Darfuris have been subjected since 2003. Ongoing armed clashes in the Jebel Marra region between the Sudan Liberation Movement/Abdul Wahid rebel group and the Sudan armed forces, along with intercommunal violence in other parts of Darfur, serve as reminders of the ongoing security challenges that plague the region.

Darfur's security situation has become further challenged following delays in the transition to a civilian-led Government in Khartoum. Those delays have had a negative impact on human rights throughout the Sudan and obstructed the implementation of policies to support the return of internally displaced persons, including to Darfur. We are concerned by increasing violence in IDP camps. Sexual violence, rape, harassment and other intimidation against women, girls and boys in Darfur remains prevalent. It is for that reason that the mission of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) continues to be important.

We support the African Union (AU) Peace and Security Council's 6 June communiqué, which announced the immediate suspension of the Sudan from all AU activities until the establishment of a civilian-led transitional authority. We call on the Sudan's interim military authorities to cease attacks against

civilians, withdraw all undue restrictions on media and civil society, restore access to the Internet and ensure unhindered access for medical-care providers. We also urge them to respect human rights, including the freedom of expression and fair trial guarantees.

In that vein, we urge the Transitional Military Council to agree to the request of the Office of the United Nations High Commissioner for Human Rights for the rapid deployment of a United Nations human rights monitoring team. The United Nations should also make promoting respect for human rights the heart of its efforts in the Sudan, whether through UNAMID or the United Nations country team.

Long-term stability in Darfur and throughout the Sudan depends on resolving the underlying causes of the protracted conflict. That includes strengthening the Sudan's judicial system to ensure accountability at the local and national levels. It includes the establishment of a fully functional civilian-led national Government that is committed to reform. And it includes a commitment by Khartoum to pursue a durable peace agreement in Darfur.

There will be no lasting peace in the Sudan until there is genuine accountability for the crimes that have been committed against the Sudanese people. The United States has historically been, and will continue to be, a strong supporter of meaningful accountability and justice for victims of atrocities through appropriate mechanisms. Perpetrators of atrocity crimes must face justice, but we must also be careful to recognize the right tool for each situation.

I must reiterate our long-standing and principled objection to any assertion of ICC jurisdiction over nationals of States that are not party to the Rome Statute, absent a Security Council referral or the consent of such States. The United States remains concerned about illegitimate attempts by the ICC to assert such jurisdiction.

We also note our disagreement with a number of aspects of the recent decision of the Court's Appeals Chambers in the Jordan appeal, including the analysis and conclusions regarding customary international law and the interpretation of Security Council resolutions. But our concerns about that decision, and the Court more generally, in no way diminish our commitment to supporting accountability for atrocity crimes.

Mr. Lewicki (Poland): I thank Prosecutor Fatou Bensouda for her briefing on the recent, very troubling developments in Khartoum. As many other delegations have done today here in the Chamber, let me start by reiterating Poland's full support for the International Criminal Court (ICC) and the work of the Prosecutor. We support her not only because we believe in international justice, but also because we believe that fighting impunity and providing accountability remain a central pillar of conflict prevention and resolution, which means that her work lies at the core of a Security Council mandate. We could not agree more with the Prosecutor when she said today that

“ending impunity for alleged Rome Statute crimes in Darfur is essential to the maintenance of peace and security in Darfur and beyond.”

As noted in the Prosecutor's report, her Office relies on the cooperation of States and others to gain safe access to the territory where alleged crimes occurred in order to gather evidence and to apprehend, arrest or force the surrender of the persons against whom warrants of arrest have been issued. We note that, pursuant to the resolution 1593 (2005), the Government of the Sudan and all other parties to the conflict in Darfur remain under a legally binding obligation to cooperate fully and provide any necessary assistance to the Court and the Prosecutor. In that regard, we hope to see progress soon and encourage the parties to engage in dialogue with the Office to ensure that the suspects face justice, either at the ICC or in the Sudan, in accordance with the principles of complementarity, fair trial and due process. Moreover, Poland echoes the recent position of the Court's Appeals Chamber in noting that the Sudan, as a party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, is legally bound “to undertake to prevent and punish genocide”. We further note that the Court's second arrest warrant for Mr. Omar Al-Bashir includes the charge of genocide.

Let me now refer to the situation in Darfur in particular, and the recent developments in Khartoum and in the Sudan in general. We recognize that in the past six months the overall security situation in Darfur, except for the Jebel Marra area, has reportedly remained relatively stable. However, reports of crimes, violations and abuses, including killings, sexual and gender-based violence, arbitrary detentions, displacements, destruction and theft of property, are a source of the most serious concern. We strongly condemn the targeting, including by Government security personnel and Rapid

Support Forces, of the civilian population, especially the most vulnerable — women, children and internally displaced persons (IDPs). The still very high number of IDPs, instances of denial of access to humanitarian organizations and the African Union-United Nations Hybrid Operation in Darfur, as well as the reported looting and vandalizing of the mission's headquarters, are also of great concern and cannot be tolerated.

Poland urges the parties to the conflict in Darfur to stop the hostilities and violence, fully respect international law, including international humanitarian law and human rights law, as well as the relevant Security Council resolutions and allow for the safe return of IDPs. We call on all to work towards resolving the root causes of the conflict and finding a sustainable solution. Ending impunity and the establishment of truth, justice, the rule of law and reconciliation must be a part of it. Accountability for crimes, the protection of civilians and respect for their fundamental rights, as well as deterring further crimes and abuses, are of the utmost importance for the achievement of durable peace in Darfur, as rightly noted by the Prosecutor. Poland encourages the redoubling of efforts aimed at achieving the aforementioned goals. This opportunity for effecting positive change cannot be wasted.

The events in Darfur must be perceived in the wider context of the situation in the entire country. Poland strongly condemns the latest use of violence by the Sudanese security forces against demonstrators in Khartoum, which led to many deaths and injuries among civilians. There is no justification for the use of force against peaceful protesters. All violence against the Sudanese people, including extrajudicial, arbitrary and summary killings, beatings and sexual and gender-based violence, arrests and disappearances, must stop. I must add that sexual violence and abuse, including the rape of women and girls, are extremely abhorrent and must stop. Only a few months ago, we adopted resolution 2467 (2019) on ending sexual violence in conflict. Although it is not considered a serious violation of international law, it is inhuman.

All human rights violations and abuses must be investigated in an independent and transparent manner, and the perpetrators should be held accountable. We expect the Transitional Military Council, which is currently responsible for ensuring security and the rule of law in the country, to respect the aspirations of Sudanese society and enable freedom of expression and assembly, freedom of the media, civic space and access

to the Internet without any threat or use of violence, and to prioritize consensus to allow for the transfer of power to a civilian-led authority.

As the Prosecutor observes in her report,

“Sudan is at a crossroads. Victims in the Darfur situation have long sought justice for the horrific crimes that they suffered. They desire to ensure alleged perpetrators are held accountable ... The eyes of the world are fixed once again on Sudan and justice for the victims in the Darfur situation can be within reach.”

In conclusion, Poland shares the hope of the Prosecutor and her Office that the Sudan’s new Administration will decide to open a new chapter of cooperation with the ICC. We reiterate the call on the Council and the States parties to lend their full and unequivocal support to the Sudanese people, the Office of the Prosecutor and all stakeholders committed to ensuring peace and accountability for atrocity crimes in Darfur. Those people, and in particular Darfur’s victims and witnesses, to whom we pay tribute, deserve no less. They have been waiting too long.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as the representative of Kuwait.

At the outset, I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing, and we take note of the twenty-ninth report of the Court on the Sudan.

The Security Council must be consistent and integrated when addressing the situation in Darfur, especially given the latest developments in the region, which saw the end of conflict and the beginning phase of peacebuilding. The Council has frequently welcomed the improvements in the security situation there and encouraged the settlement of intercommunal disputes through the efforts of the Sudanese Government and the peacekeeping mission. The Council has also encouraged States to contribute to the transition process involving peacebuilding.

We consequently hope that the ICC procedures do not stand in the way of efforts to bring peace to the Sudan. The Sudanese people themselves should ensure the successful outcome of the transitional political process, while fostering security and stability in the Sudan so as to meet the hopes and ambitions of its brotherly people.

The judgment of the ICC against former President Omer Al-Bashir of the Sudan did not enjoy the support of international organizations to which the Sudan is a State party, such as the League of Arab States, the African Union and the Organization of Islamic Cooperation. Those organizations are part of the regional and international partnerships of the United Nations, as provided for under Chapter VIII of the Charter.

As the sole Arab member of the Security Council, the State of Kuwait recalls once again decision 514, adopted at the twenty-second Arab League Summit held in Sirte, Libya, in 2010. The decision outlines the Arab position on ICC procedures and rejects the politicization of the principles of international justice or their use to undermine State sovereignty, unity and stability.

In conclusion, we renew our commitment to respecting the principles of the Charter, including those that call for respect for the sovereignty of States and non-interference in their internal affairs. We stress the importance of respecting the sovereignty and independence of States.

I now resume my functions as President of the Council.

I give the floor to the representative of the Sudan.

Mr. Ahmed (Sudan) (*spoke in Arabic*): Let me begin by expressing our pleasure at seeing the sisterly State of Kuwait presiding over the Security Council this month.

I would like to make the following remarks.

First, the Sudan is not a party to the Rome Statute of the International Criminal Court (ICC), and as Council members are aware, the Court is not an organ of the United Nations. Despite the change in the political situation in the Sudan, the Court remains unchanged in terms of statutes and practices. Our position therefore has not changed. We have no commitments to the Court and our statement is addressed to the members of the Council. However, we note that the report’s reference to the issue of complementarity, albeit late, is positive.

Secondly, since December 2018 the Sudan has witnessed notable positive developments that provide for a new political reality which will undoubtedly lead to the establishment of a regime in which the values of freedom, justice and the rule of law will prevail.

We have already begun a serious process to establish sustained civilian democratic rule in which there will be no place for impunity. In that regard, it is necessary to emphasize the professionalism, independence and competence of the Sudanese judiciary and its ability to achieve justice under national law, international criminal law and international humanitarian law.

The public prosecutor in the Sudan has begun investigations in the case of the detained former President Omer Al-Bashir, as well as Abdel Rahim Mohammed Hussein and Ahmad Harun. Former President Omer Al-Bashir will receive a fair trial before the national judiciary. As announced, the trial will begin next week, thereby underscoring the willingness and competence of the national judiciary to bring about justice and combat impunity.

Thirdly, although the report acknowledges the continued improvement of the situation in Darfur, it nevertheless contains inconsistencies and contradictions. Proof of that is the incorrect information, numbers and events included in it. In paragraphs 25 through 31 of the report, events are mentioned that either did not take place or were exaggerated.

Such information contradicts the reports of the Secretary-General and the last report of the strategic review team, which confirmed the continued improvement of the situation in Darfur. As a result of that improvement, the report, which was endorsed by the African Union Peace and Security Council as well as the Secretary-General, recommended the continued drawdown of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) within the agreed time frame. I would also like to mention the valuable and updated input of the UNAMID Force Commander of in the Council's meeting yesterday on the measures

that have been taken to implement the transition from peacekeeping to peacebuilding and achieving stability in Darfur (see S/PV.8552).

Fourthly, the judgment of the ICC Appeals Chamber in the case of the Hashemite Kingdom of Jordan, as indicated in the report, was based on political more than legal interpretations. The judgment violates many well-established international treaties. It even violates article 10 of the Rome Statute itself, which states that

“Nothing in this Part shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law ...”

The judgment furthermore violates international customary law, as the judges of the Court opted for what suited their interests only. A significant number of legal experts believe that resolution 1593 (2005) does not provide for an exemption of being committed to the principle of respecting immunity. In accordance with international law and international jurisprudence, immunity in this case is a right of the State, and not the individual with immunity. Nobody may act on behalf of the State in that matter. The person targeted by such judgments in that case remains entitled to immunity and can invoke it before the Court. Any attempt to interpret otherwise would be an evident error and misjudgement by the Appeals Chamber judges.

In conclusion, we emphasize that fighting impunity is a noble cause of justice. It is not a subject of contention, and it falls primarily within the responsibilities of the relevant national investigative and judicial institutions, in line with their competencies as stipulated in the national legislation.

The meeting rose at 11.30 a.m.